

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan

Presentment Date: August 11, 2017
Time: 5:00 p.m.

Objections Due: August 11, 2017
Time: 4:30 p.m.

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC

Plaintiff,

v.

DEFENDANTS LISTED ON EXHIBIT A TO THE
PROPOSED ORDER,

Defendants.

**NOTICE OF PRESENTMENT OF ORDER
AUTHORIZING THE CONTINUED DEPOSITION OF
BERNARD L. MADOFF ON DAY TWO TOPICS**

PLEASE TAKE NOTICE that Irving H. Picard, as trustee (the “Trustee”) for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff, by the Trustee’s undersigned counsel, together with counsel for the Sage Defendants¹ and the Picower Parties,² will present the proposed order (the “Order”), a copy of which is annexed hereto as Exhibit 1, Authorizing the Continued Deposition of Bernard L. Madoff on Day Two Topics, to the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, for signature on **August 11, 2017 at 5:00 p.m.** The Sage Defendants and the Picower Parties have consented to entry of the Order as annexed hereto.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the Order (“Objections”), shall: (i) be in writing; (ii) conform to the Federal Rules of Bankruptcy Procedure, Local Bankruptcy Rules and General Orders; (iii) specify the name of the objecting party and state with specificity the basis of the objection(s) and the specific grounds therefore; (iv) be filed in accordance with the electronic filing procedures for the United States Bankruptcy Court for the Southern District of New York, with a proof of service, and a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein, One Bowling Green, New York, New York 10004; and (v) be served upon the parties below, so as to be received no later than **August 11, 2017 at 4:30 p.m.**

- i. Baker & Hostetler LLP, Counsel for the Trustee, 45 Rockefeller Plaza, New York, NY 10111, Attn: David J. Sheehan, Esq.;

¹ The Sage Defendants are those defendants in the actions captioned *Picard v. Sage Assocs.*, Adv. Pro. No. 10-04362 and *Picard v. Sage Realty*, Adv. Pro. No. 10-04400.

² The “Picower Parties” are Jeffrey M. Picower, Capital Growth Company, Decisions Inc., Favorite Funds, JA Primary Limited Partnership, JA Special Limited Partnership, LAB Partnership, JEMW Partnership, JF Partnership, JFM Investment Companies, JLM Partnership, JMP Limited Partnership, Jeffrey M. Picower Special Company, Jeffrey M. Picower P.C., The Picower Foundation, The Picower Institute for Medical Research, The Trust f/b/o Gabrielle H. Picower, and Barbara Picower, individually, as Executor of the Estate of Jeffrey M. Picower, as Trustee for The Picower Foundation and as Trustee of the Trust f/b/o Gabrielle H. Picower.

- ii. Securities Investor Protection Corporation, 1667 K Street, NW, Suite 1000, Washington, DC 20006-1620, Attn: Kevin H. Bell, Esq.;
- iii. Chaitman LLP, counsel for the certain BLMIS customers, 465 Park Avenue, New York, NY 10022, Attn: Helen Davis Chaitman, Esq.,
- iv. Dentons US, LLP, counsel for certain BLMIS customers, 1221 Avenue of the Americas, New York, NY 10020, Attn: Carole Neville, Esq.;
- v. McDermott Will and Emery LLP, counsel for the Sage Defendants, 340 Madison Avenue, New York, NY 10173, Attn: Andrew B. Kratenstein, Esq.;
- vi. Hunton & Williams LLP, counsel for the Zraick Defendants, 200 Park Avenue, New York, NY 10166, Attn: Robert A. Rich, Esq; and
- vii. Schulte Roth & Zabel LLP, counsel for the Picower Parties, 919 Third Avenue, New York, NY 10022, Attn: Marcy Ressler Harris, Esq.

PLEASE TAKE FURTHER NOTICE, that in the event any Objections are timely served and filed, a hearing may be held before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at a date to be scheduled by the Court, upon such additional notice as the Court may direct. The moving and objecting parties are required to attend the hearing, and failure to attend in person or by counsel may result in relief being granted or denied upon default.

PLEASE TAKE FURTHER NOTICE, that if no timely Objections are served or filed the proposed Order may be signed without a hearing.

Dated: New York, New York
August 9, 2017

By: /s/ David J. Sheehan
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*